

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION**

NATIONWIDE AGRIBUSINESS	§	
INSURANCE COMPANY, as subrogee of	§	
PENNY NEWMAN GRAIN COMPANY,	§	
	§	
Plaintiff,	§	CIVIL ACTION NO. 5:19-CV-083-M-BQ
v.	§	
	§	
VARCO PRUDEN BUILDINGS, INC.,	§	
and ROY OWENS CONSTRUCTION	§	
COMPANY,	§	
	§	
Defendants.	§	

**ORDER ACCEPTING THE FINDINGS, CONCLUSIONS, AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Before the Court is Roy Owens Construction Company’s “Motion for Judgment on the Pleadings under Rule 12(c) or Alternatively to Dismiss for Failure to State a Claim under Rule 12(b)(6), and Brief in Support.” ECF No. 63. The United States Magistrate Judge made Findings, Conclusions, and a Recommendation regarding the motion. ECF No. 83. Roy Owens Construction Company filed objections on August 17, 2020, and the District Court has made a *de novo* review of those portions of the proposed findings and recommendation to which objection was made. ECF No. 84. The objections are overruled. Accordingly, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

The Court hereby **DENIES** Roy Owens Construction Company’s Motion for Judgment on the Pleadings under Rule 12(c) and further **DENIES** Roy Owens Construction Company’s Motion to Dismiss for Failure to State a Claim under Rule 12(b)(6). ECF No. 63.

**SO ORDERED**, this 26th day of August, 2020.

  
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**BARBARA M. G. LYNN**  
**CHIEF JUDGE**